

NO. CAAP-11-0001013

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

FEDERAL NATIONAL MORTGAGE ASSOCIATION, Plaintiff-Appellee, v.
JEFFERSON A. FRANCO, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(DC-CIVIL NO. 10-1-3487)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Nakamura, C.J., Foley and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On March 27, 2012, the court granted James H. Fosbinder's motion to withdraw as counsel of record for Defendant-Appellant Jefferson A. Franco (Appellant), and extended the due date for the opening brief to April 20, 2012;

(2) The appellate clerk mailed a copy of the March 27, 2012 order to Appellant at the last known address provided by Mr. Fosbinder, and no return mail was received;

(3) Appellant did not file the opening brief by April 20, 2012;

(4) On June 14, 2012, the appellate clerk informed Appellant that the time for filing the opening brief had expired and, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure (HRAP), the matter would be called to the court's attention on June 24, 2012, for such action as the court deems proper, which could include dismissal;

(5) The appellate clerk mailed a copy of the June 14, 2012 notice to Appellant at the last known address provided by Mr. Fosbinder, and no return mail was received; and

(6) Thereafter, Appellant did not file the opening brief, or respond to the notice of default. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed, pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, March 21, 2013.

Chief Judge

Associate Judge

Associate Judge